



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,125	03/30/2001	Hernan G. Otero	21710-68378	6818
28062 7590 08/16/2007 BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840			EXAMINER OYEBISI, OJO O	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 08/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

Application Number: 09/823,125  
Filing Date: March 30, 2001  
Appellant(s): OTERO ET AL.

AUG 16 2007

**GROUP 3600**

\_\_\_\_\_  
Nathaniel Levin  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 04/16/07 appealing from the Office action  
mailed 10/20/06.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(4) Status of Amendments After Final**

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,317,728

KANE

10-1998

Microsoft Computer Dictionary (Microsoft Computer Dictionary 5TH edition, (2002), page 345).

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-2, 3, 5 and 8-14** are rejected under 35 U.S.C 102(e) as being anticipated by Kane (U.S. Patent 6,317,728).

**Re claim 1:** Kane discloses a method for computerized trading comprising:

- A human being using a graphical user interface to enter parameters for a trading algorithm to input a trading order into a logic engine (i.e., decision logic, see abstract, also see "WealthBuilder also allows customer override and entry of trading commands", col.8 lines 20-36).
- using a first plug-in (i.e., agent) in said logic engine for implementing the trading algorithm (see col. 5, lines 5-10).
- inputting data for said order into said logic engine (see abstract).
- processing the order with said logic engine, using said plug-in (see abstract).
- executing said order (see abstract).

Art Unit: 3692

- said human being monitoring said order in real time by using said graphical user interface (i.e., WealthBuilder also provides a real time internet client allowing users to monitor trade execution and position values held so that a customer can feel connected to the trading environment. The computer makes the decisions but can be monitored remotely, see col.8 lines 20-35).

**Re claims 2 and 3:** Kane discloses a method wherein the step of inputting a trading order into a logic engine further comprises inputting an order through an ordering system (i.e., data acquisition system, see abstract).

**Re claim 5:** Kane discloses a method wherein the step of executing said order further comprises outputting said order through an ordering system (col. 3, lines 34-36).

**Re claim 8:** Kane discloses an apparatus for computerized trading comprising:

- a logic engine for processing trading orders (see abstract);
- an interface to said logic engine to receive from a human being parameters for a trading algorithm(data channel, see fig 1, elements 12, 13) and to allow the human being to monitor said order in real time (i.e., WealthBuilder also provides a real time internet client allowing users to monitor trade execution and position values held so that a customer can feel connected to the trading environment. The computer makes the decisions but can be monitored remotely, see col.8 lines 20-35).
- a first plug-in (i.e., agent) in said logic engine (i.e., decision logic) for implementing the trading algorithm (see col. 5, lines 5-10). Whereby said logic engine processes order received via said interface (see col. 5, lines 2-11); wherein said logic engine, said interface and said first plug-in are software recorded on a computer-readable medium

Art Unit: 3692

and capable of execution by a computer.

**Re claim 9:** Kane discloses an apparatus for computerized trading comprising:

- a logic engine (i.e., decision logic) for processing trading orders (see abstract);
- a first interface (i.e., input) to said logic engine for processing orders from a human being parameters for a trading algorithm (i.e., each decision agents representing a respective buy and a respective sell rule, see abstract) and to allow the human being to monitor said order in real time (i.e., WealthBuilder also provides a real time internet client allowing users to monitor trade execution and position values held so that a customer can feel connected to the trading environment. The computer makes the decisions but can be monitored remotely, see col.8 lines 20-35).
- a second interface (i.e., input) to said logic engine for processing orders (see abstract)
- a first plug-in (i.e., agent) in said logic engine for implementing the trading algorithm (col. 5, lines 5-10). Whereby said logic engine processes orders received via either of said first and second interfaces (see col. 5, lines 2-8, also see abstract); wherein said logic engine, said first interface and said second interface, and said first plug-in are software recorded on a computer-readable medium and capable of execution by a computer.

**Re claim 10:** Kane discloses an apparatus wherein said first interface further comprises an Input driver (i.e., agent, see col. 15, lines 5-15).

**Re claim 11:** Kane discloses an apparatus wherein said second interface further comprises an exchange driver (i.e., agent, see col. 15, lines 5-15).

Art Unit: 3692

**Re claim 12:** Kane discloses an apparatus wherein said first interface (i.e., input)

further comprises an interface to an ordering system (see abstract).

**Re claim 13:** Kane discloses an apparatus wherein said second interface (i.e., input)

further comprises an interface to an ordering system (see abstract).

**Re claim 14:** Kane further discloses an apparatus wherein said logic engine further

comprises a Core Processing Area (i.e., central processing unit, see col. 5, lines 5-10).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4, 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kane (U.S. Patent 6,317,728) in view of Microsoft Computer Dictionary (MCD hereinafter: Microsoft Computer Dictionary 5<sup>th</sup> edition, page 345).

**Re claim 4:** Kane discloses a method for computerized trading comprising: the steps of processing trading orders (see abstract). Kane does not explicitly disclose a step of deconstructing said Complex Order into at least one event and action. However, the method of deconstructing complex order into event/action is old and well known and it a well-taught modular design method in object-oriented modular programming (see Microsoft computer dictionary 5<sup>th</sup> edition, page 345). Therefore, it would have been

Art Unit: 3692

obvious to one of ordinary skill in the art to implement this well-taught modular design method in Kane to allow programmers to debug and recover very quickly from program crashes.

**Re claim 6:** Kane discloses a method for computerized trading comprising:

- A human being using a graphical user interface to enter parameters for a trading algorithm to input a ComplexOrder into a logic engine through an ordering system.
- using a first plug-in (i.e., agent) in said logic engine for implementing the trading algorithm (see col. 5, lines 5-10).
- inputting data for said order into said logic engine (see abstract).
- Kane discloses a method wherein the step of executing said order further comprises outputting said order through an ordering system (col. 3, lines 34-36).
- said human being monitoring said order in real time by using said graphical user interface to enter (i.e., WealthBuilder also provides a real time internet client allowing users to monitor trade execution and position values held so that a customer can feel connected to the trading environment. The computer makes the decisions but can be monitored remotely, see col.8 lines 20-35). However, Kane does not explicitly teach the step of deconstructing said complex order into events and actions. The method of deconstructing complex order into event/action is a well-taught modular design in object-oriented modular programming (see Microsoft computer dictionary 5<sup>th</sup> edition, page 345). Therefore, it would have been obvious to one of ordinary skill in the art to implement this well-taught modular design method in Kane to allow programmers to debug and recover very quickly from program crashes.



Art Unit: 3692

**(10) Response to Argument**

**In response to the appellant's argument concerning the 35 U.S.C 102 (e) rejection of independent claim 1.** The appellant argues in substance that Kane fails to disclose a human being using a graphical user interface to enter parameters for a trading algorithm and the monitoring of said system. Contrary to the applicant's assertion, Kane explicitly discloses Wealthbuilder application which allows customers to override and enter trading commands (entry parameters for a trading), and provides a single screen (i.e., graphical user interface) for quote and position information (please see Kane, "WealthBuilder also provides a real time internet client allowing users to monitor trade execution and position values held so that a customer can feel connected to the trading environment. The computer makes the decisions but can be monitored remotely. WealthBuilder also allows customer override and entry of trading commands, and provides a single screen for quote and position information, see col.8 lines 20-35).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

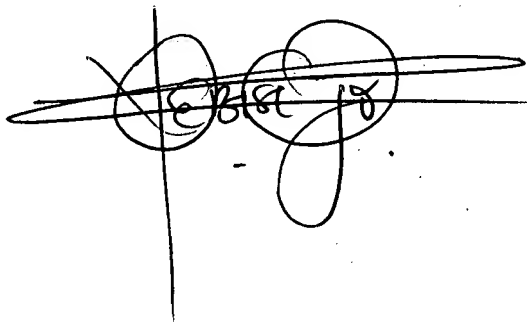
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ojo O. Oyebisi

Examiner

Art Unit 3692

A handwritten signature in black ink, appearing to read 'Ojo O. Oyebisi', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Art Unit: 3692

Conferees:

~~\*\*\*~~  
James Kramer 

SPE Au 3692

Vincent Miller

Appeal Specialist

